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Dee May
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November 23, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Ex Parte

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 99-295; In the Matter of Application of Bell Atlantic Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in New York

Dear Ms. Salas,

Please find attached a letter to Mr. Sanford Williams of the Common Carrier Bureau-Policy Division. The letter addresses questions raised by Mr. Williams regarding an ex parte filed by Z-Tel in the above proceeding.

As outlined in the Public Notice (DA-99-2014) issued by the FCC on September 29, 1999, the 20 page ex parte limit does not apply to this ex parte and the attachments since Bell Atlantic is responding to direct questions raised by Commission staff regarding material introduced into the record of the above proceeding by Z-Tel.

Please feel free to contact me with any questions.

Sincerely,


Attachment

cc: S. Williams
A. Kearney

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November 23, 1999

Mr. Sanford Williams
Common Carrier Bureau-Policy Division
Federal Communications Commission
445 12th Street, SW - Room 5-C212
Washington, DC 20554

**Re: CC Docket No. 99-295: In the Matter of Application of Bell Atlantic Pursuant to
Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA
Services in New York**

Dear Mr. Williams,

You asked Bell Atlantic to respond to two ex partes submitted by Z-Tel Communications, Inc., and Z-Tel's counsel, Lawler, Metzger & Milkman, LLC. The ex partes were dated November 2 and November 8 and concerned an alleged decision by Bell Atlantic "to stop pre-programming speed dialing capability as part of the unbundled switching network element" as well as a number of additional allegations.

Z-Tel is incorrect. Bell Atlantic did not "stop" pre-programming speed dialing for Z-Tel's end users. Speed dialing is an end user feature that is designed to be initiated and controlled by the end user, not Bell Atlantic. Bell Atlantic does not offer to pre-program speed dialing for either its own retail end users or for CLECs' end users – programming of the speed dialing feature is done by the end user him- or herself. Bell Atlantic has asked Z-Tel to provide further information to assist in our investigation of these "pre-programming" allegations and to ensure that the proper procedures are followed by both Bell Atlantic and Z-Tel.

Z-Tel's November 8 ex parte attached a series of letters it had sent to Bell Atlantic containing a number of other allegations. Many of the allegations were addressed in Bell Atlantic's reply comments. For example, Z-Tel complains about the scheduling of the Network Design Request (NDR) process for Buffalo and Poughkeepsie. As explained in the Lacouture/Troy Reply Decl. ¶ 175, Bell Atlantic had a call with Z-Tel to discuss establishment of local switching in Buffalo and Poughkeepsie on September 3, and asked Z-Tel to complete the forms necessary to communicate its dialing plan and line class codes. Z-Tel returned the forms to Bell Atlantic on October 26, and Bell Atlantic established local switching in Poughkeepsie and Buffalo for Z-Tel on November 12.

Similarly, Z-Tel complained that Bell Atlantic representatives had entered an incorrect call forwarding number on numerous orders, directing Z-Tel's customers "to an unknown business." Upon investigation, Bell Atlantic discovered that many of Z-Tel's orders

requested an incorrect call forwarding number. Moreover, as explained in the Miller/Jordan/Zanfini Reply Decl. (¶ 54), Z-Tel has the ability to verify the provisioning of the call forwarding number itself using the pre-ordering interface. If Z-Tel discovers that an order has been incorrectly provisioned, it only needs to call Bell Atlantic which will correct the error.

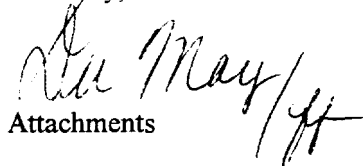
Other Z-Tel allegations concern "various operations support systems (OSS) problems." These range from claims of "false error messages," to complaints that Bell Atlantic is sending "provisioning completion notices" instead of billing completion notices, to problems with the Web GUI. As explained in the Miller/Jordan/Zanfini Reply Decl. (¶ 47), the vast majority of the error messages were not "false" but resulted from the submission of incorrect orders. In addition, Bell Atlantic explained that it provides two completion notices to CLECs – the first states that the services ordered by the CLEC have been provisioned, and the second notifies the CLEC that the billing system has been updated. Miller/Jordan Decl. ¶ 51; Miller/Jordan/Zanfini Reply Decl. ¶ 52. Bell Atlantic sends completion notices for 100% of the orders completed in the billing system, and more than 99% have been sent on time. Dowell/Canny Decl. ¶ 46; Miller/Jordan Decl. ¶ 50. And Bell Atlantic also explained that it is in the process of transitioning from Web GUI II to Web GUI III to provide CLECs with additional functionality. Bell Atlantic has worked with CLECs to provide an extended period during which both versions are available in order to work out any problems encountered and ensure a smooth transition. Miller/Jordan/Zanfini Reply Decl. ¶¶ 55, 87.

Finally, Z-Tel alleges that Bell Atlantic has failed to provide "mandated performance reports." This is simply not true. Z-Tel had failed to follow the procedures established by the New York PSC for receiving the Carrier-to-Carrier reports. Z-Tel has now signed the required protective order and will begin receiving performance reports this month. Dowell/Canny Reply Decl. ¶ 9.

Z-Tel's ex parte gives the false impression that Bell Atlantic has not responded to Z-Tel's letters. This is incorrect. Bell Atlantic had responded to Z-Tel's concerns discussions and in letters directly to Z-Tel, but Z-Tel failed to include copies of those letters with its ex parte. Copies of Bell Atlantic's letters responding to Z-Tel's claims are attached to this letter. As shown there, Bell Atlantic met with Z-Tel on November 22 to discuss the companies' business relationship.

Please contact me if you have additional questions.

Sincerely,


Attachments

Cc: A. Kearney